## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

:

THERESA BROOKS, Solution 1:11-CV-00567

:

Plaintiff,

:

vs. : ORDER

:

COMMISSIONER OF SOCIAL SECURITY,

:

Defendant. :

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 19), to which there were no objections. The Magistrate Judge found the ALJ erred by failing to analyze the effects of Plaintiff's substance abuse on the question of disability, and therefore recommended the decision of the Commissioner be reversed and remanded for further proceedings.

Proper Notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. <u>United States v. Walters</u>, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). As of the date of this Order, no objections have been filed.

Having reviewed this matter <u>de novo</u> pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation thorough, well-reasoned, and correct. Accordingly,

the Court hereby ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in all respects (doc. 19), and REVERSES and REMANDS the decision of the Commissioner for further proceedings regarding Plaintiff's second assignment of error related to the analysis of Plaintiff's substance abuse in relation to the question of her disability.

SO ORDERED.

DATED: October 4, 2012 s/S. Arthur Spiegel

S. Arthur Spiegel

United States Senior District Judge